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14 MAY 2007

In re Application of :
MIKI, Yuji et al. :
Application No.: 10/552,414 : DECISION
PCT No.: PCT/JP04/00864 :
Int. Filing Date: 29 January 2004 : ON SUBMISSION UNDER
Priority Date: 11 April 2003 :
Attorney's Docket No.: 05632/LH : 37 CFR 1.42
For: Method Of Continuous Steel Casting :

This communication is issued in response to applicants' submission on 13 July 2006 of a declaration executed on behalf of deceased co-inventor Shuji Takeuchi by his legal representative. The submission has been treated as a submission under 37 CFR 1.42.

BACKGROUND

On 29 January 2004, applicant filed international application PCT/JP04/00864, claiming a priority date of 11 April 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 October 2005.

On 07 October 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied, *inter alia*, by the requisite basic national fee.

On 21 June 2006, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 13 July 2006, to satisfy the requirements of 37 CFR 371(c)(4), applicants filed a declaration of the inventors and the \$130 surcharge for late filing of the oath or declaration. The declaration was signed by co-inventors, Yuji Miki and Akira Yamauchi and, Yuko Takeuchi as legal representative for deceased co-inventor Shuji Takeuchi.

DISCUSSION

When an inventor has deceased, 37 CFR 1.42 permits the legal representative (executor, administrator, etc.) of the deceased inventor to execute the necessary oath or declaration and, apply for and obtain a patent.

37 CFR 1.497(b)(2) states:

If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that (1) the person is a legal representative and the (2) citizenship, (3) residence and (4) mailing address of the legal representative.

A review of the declaration filed 13 July 2006 shows that Yuko Takeuchi has executed the declaration as legal representative for deceased co-inventor Shuji Takeuchi and has provided the statement required under item (1).

With regard to items (2)-(4), the residence, mailing address and citizenship of the legal representative has been provided. Items (2)-(4) have been satisfied. Also provided is the citizenship of deceased co-inventor Shuji Takeuchi.

The declaration filed on 13 July 2006 is found to satisfy 37 CFR 1.497(a)-(b) and as such is acceptable under 37 CFR 1.42.

CONCLUSION

Applicant's declaration filed 13 July 2006 under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.



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